Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Position Paper re Article VI

Working paper submitted by Canada

Purpose:

- The purpose of this paper is to affirm our understanding of Article VI as negotiated in the Treaty, i.e. the undertaking "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament" is an obligation of all States party and is not contingent upon negotiations towards general and complete disarmament.

- This underlines our deep concerns relating to possible interpretations of sub-paragraphs seven and eleven of paragraph one of the Chairman's Working Paper (N.P.T./Conf 2000/PCII/35 of 9 June 1998).

Canadian Position:

- Article VI of the Treaty records two undertakings by States party:

  - "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament...";

  - "and on a treaty on general and complete disarmament under strict and effective international control."

- These are two distinct undertakings; the first is not conditional to achievement of the second.

- These are both undertakings by all States party, not only by some thereof.

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- Canada is prepared to acknowledge the primary responsibility of the five nuclear-weapon states for "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating these weapons..." (paragraph 4c of Principles and Objectives 1995).

- This does not imply any derogation of Canada's obligations under Article VI; our continuing advocacy of nuclear disarmament (and nuclear non-proliferation), our call for relevant engagement in the Conference on Disarmament and elsewhere on nuclear disarmament issues, and our support for focused consideration in the NPT Strengthened Review Process of the implementation of Article VI reflect this.

- The negotiating history of the NPT supports this view, e.g. USA Representative Adrian S. Fisher stated on January 18, 1968, in the Geneva Conference that Article VI constituted a "solid affirmation of the responsibility of nuclear-weapon states to strive for effective measures regarding cessation of the nuclear arms race and disarmament. Moreover, the article does not make the negotiation of those measures conditional upon their inclusion within the framework of a treaty on general and complete disarmament" (emphasis added).

- The Treaty itself does not support conditionality, e.g. paragraph 8 of the Preamble states clearly the intention of the States concluding the Treaty.

- Subsequent practice confirms this position, e.g. the agenda of the Conference on Disarmament consistently presents "cessation of the nuclear arms race and nuclear disarmament" as a distinct agenda item separate from any agenda reference to 'general and complete disarmament' or to 'comprehensive programme of disarmament'.

- The International Court of Justice in its Advisory Opinion of July 1996 stated unanimously

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

- Studies elsewhere underwrite the Canadian position.